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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIFFANY SARGENT, BAILEY
CRYDERMAN, SAMANTHA L. IGNACIO
(formerly SCHNEIDER), VINCENT M.
IGNACIO, HUONG (“ROSIE”) BOGGS, and
JACQULYN WIEDERHOLT ,
Plaintiffs,
v.
HG STAFFING, LLC, MEI-GSR
HOLDINGS, LLC d/b/a GRAND SIERRA
RESORT, and DOES 1 through 50, inclusive,
Defendants.

Case No. 3:13-cv-00453-LRH-WGC

**UNOPPOSED MOTION TO EXCEED
PAGE LIMIT FOR DEFENDANTS’
REPLIES IN SUPPORT OF MOTIONS
FOR SUMMARY JUDGMENT AND
EXTEND THE DEADLINE FOR FILING
THE REPLIES**

AND

ORDER

1 Defendants HG STAFFING LLC, and MEI-GSR HOLDINGS, LLC d/b/a GRAND
2 SIERRA RESORT, by and through their counsel of record, hereby moves, pursuant to LR 7-2
3 and 7-3, to exceed the page limit on six of Defendants' Replies in Support of Defendants'
4 Renewed Motion for Summary Judgment. Defendants also hereby move to extend the pursuant
5 to Fed. R. Civ. P. 6(b) and LR 7-2, LR IA 6-1 and 6-2, for an extension of time to file their
6 replies. This motion is based on the following Points and Authorities, the Declaration of Chris
7 Davis Esq., and the pleadings and papers filed in this matter.

8 Dated this 11th day of June, 2018.

9 COHEN|JOHNSON|PARKER|EDWARDS

10 /s/ H. Stan Johnson, Esq.

11 H. STAN JOHNSON, NV Bar No. 00265

12 CHRIS DAVIS, NV Bar No. 06616

13 375 E. Warm Springs Rd., Suite 104

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17 CHRIS DAVIS, ESQ.

18 /s/ Chris Davis, Esq.

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25 **DECLARATION OF CHRIS DAVIS, ESQ.**

26 I, Chris Davis, declare under penalty of perjury that the following is true and correct of
27 my own personal knowledge and if called to testify in this matter would testify as follows:

28 1. I am attorney representing the Defendants HG Staffing, LLC, and MEI-GSR Holdings,
LLC d/b/a Grand Sierra Resort, in the above entitled matter.

2. On June 11, 2018, by phone, I contacted counsel for Plaintiffs, Leah Jones, to request
that Defendants stipulate to exceed the page limit on Plaintiffs' Replies in Support of
Defendant's Renewed Motions for Summary Judgment, and to shortly extend the time to file

1 replies. While Counsel for Plaintiff would not agree to stipulate to my request, she graciously
2 agreed not to oppose my motion seeking such relief.

3 3. While Defendants were able to file their renewed motions within the page limits set by
4 the local rules, due to the complex fact intensive nature of the case, the parties stipulated to
5 permit Plaintiffs to exceed the page limit on their opposition to Defendant's Renewed Motions
6 for Summary Judgment, which the Court granted.

7 4. The over-length briefs are required because Defendants were required to put the
8 arguments of three (3) replies into one (1) brief. Many of the argument in this reply originated in
9 the reply in support of Defendant's motion for partial summary judgment, filed on September 21.
10 2015. That reply was 22 pages long. While the Court granted the motion finding that NRS
11 Chapter 608 did not provide a private right of action, the Court declined to consider the other
12 grounds set forth the motion for summary judgment and the reply. When the Plaintiffs moved
13 for reconsideration of that decision based on the Nevada Supreme Court's holding in *Neville*,
14 Defendants requested that the Court also consider the other grounds set forth in the motion, but
15 the Court declined to do so, instead indicating that the arguments should be briefed in a new
16 motion.

17 5. The arguments in this Reply also stem from Defendants' replies, filed on September
18 25, 2017, in support of six (6) separate motions for summary judgment filed on September 25,
19 2017. Those six (6) replies ranged up to 32 pages in length. The Court granted Defendants'
20 motion to exceed the page limit because the Court recognized that issues in the six (6) replies
21 were complex and fact intensive involving minimum wage claims, overtime claims under the
22 FLSA, and a fact intensive Age Discrimination Employment Act (29 U.S.C. § 261) claims.

23 6. When granting Plaintiffs' motion for reconsideration reinstating Plaintiffs' state law
24 wage claims, however, this Court sua sponte denied Defendant's pending six (6) motions for
25 summary judgment, without prejudice, with the apparent goal of resolving all issues in one
26 motion, even though the arguments in the motions, with their replies, could have been addressed
27 independently.

1 7. In addition to the arguments in these two replies, the current replies in support of
2 Defendant's renewed motions for summary judgment must also address the state law claims for
3 all hours worked and overtime under NRS 608.016 and 608.018. These claims raise two-years
4 of facts regarding each hour worked by six (6) separate employees. These the renewed replies
5 must also cover the novel issue of exhaustion of administrative remedies which has yet to be
6 addressed by a court.

7 8. Additionally, Plaintiffs have raise numerous arguments in opposition to Defendants'
8 renewed motion that were not raised in opposition to the previous motions. For example,
9 Plaintiffs opposition rely upon the Declaration of James Toney, who Plaintiffs seek to use as an
10 expert. Many of the arguments Mr. Toney raises, however, were not presented in Plaintiffs'
11 previous oppositions. Defendants were required to respond to all of these new arguments which
12 required additional pages.

13 9. Considering the breadth and complexity of the issues now faced by Defendants, the
14 page length of the replies range from 22 pages to 44 pages in length. Only two of the replies are
15 over 40 pages because those replies involved "fact intensive Age Discrimination Employment
16 Act (29 U.S.C. § 261) claims" as noted in the parties' stipulation to extend the page length for
17 Plaintiffs' oppositions.

18 10. The same good cause is present for extending the page limit on Defendants' replies,
19 which was present with other filings where the court extended the page limit. The parties have
20 engaged in extended discovery, thus creating a detailed factual record. This case involves
21 complex issues involving both State and Federal wage claims and State and Federal age
22 discrimination claims. Additionally, the issues in this reply are far more numerous and complex
23 that in previous filing

24 11. While these replies have been drafted, due to the over-length nature of the brief, each
25 brief must include a table of contents and a table of authorities. While I have vigorously
26 attempted to timely complete these replies by working nights and weekends, because there are
27 six (6) separate replies, I will be unable to complete the table of authorities prior to the deadline.
28

12. Accordingly, good cause is present for extending the page limit on Defendants' six (6) replies in support of their renewed motion for summary judgment and in extending the time to file those six (6) replies.

Dated this 11th day of June, 2018.

CHRIS DAVIS, ESQ.

/s/ Chris Davis

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Attorney for Defendants

POINTS AND AUTHORITY

Pursuant to Local Rule 7-4, the Court may extend the page limit of a response to a motion for good cause. Good cause is present because the surrounding wage and discrimination issues raised in Plaintiff's' oppositions required a detailed factual response as well as extensive briefing on the law. Each of these (6) replies in support of the Defendant's renewed motions for summary judgment involve arguments raised in two (2) separate motions which this Court already recognized involved complex and fact intensive issue and therefore allowed the parties to file over-length briefs when previously briefing those matters.

The Court has also recognized that the renewed motions for summary judgment involve numerous additional complex issues when it granted the parties' stipulation to permit the Plaintiffs to file over-length briefs when opposing Defendants' Renewed Motion for Summary Judgment. Despite the additional issues, the each of the six (6) replies in support of Defendants' renewed motion is far shorter than the pages used to brief the combined replies in the previous two (2) motions.

While the six (6) replies have been drafted, due to the over-length nature of the brief, each brief must include a table of contents and a table of authorities. Counsel has vigorously

1 attempted to timely complete these replies by working nights and weekends, however counsel
2 will be unable to complete the table of authorities prior to the deadline for the six (6) separate
3 replies. Pursuant to Fed. R. Civ. P. 6(b), the “court may, for good cause, extend the time . . . with
4 or without motion or notice . . . if a request is made, before the original time or its extension
5 expires.” Good cause is present due to the sheer volume of work that was require to draft the six
6 (6) replies and condense the arguments into a manageable length. At most, Defendants will
7 require three (3) additional days to finalize the briefing of these six (6) replies.

8 As Plaintiffs have agreed not to oppose this motion, the have consented to granting of
9 the motion. *See* LR 7-2. Accordingly, Defendants respectfully request that the court enter the
10 following order:

- 11 1. Defendants’ unopposed motion to exceed the page limit for their six (6) Replies in
12 Support of Defendants’ Renewed Motion for Summary Judgments against Plaintiff
13 Boggs, Plaintiff Wiederholt and Plaintiff Samantha Ignacio be **GRANTED**.
- 14 2. Defendants unopposed motion to extend the time to file their six (6) Replies in Support of
15 Defendants’ Renewed Motion for Summary Judgments by three (3) days be **GRANTED**,
16 and that the six (6) replies shall be due on Thursday, June 14, 2018.

17 Dated this 11th day of September 2018,

18 COHEN|JOHNSON|PARKER|EDWARDS

19 /s/ H. Stan Johnson, Esq.

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25 *Attorneys for Defendants*

26 **ORDER**

27 **IT IS SO ORDERED.**

28 DATED this 11th day of June, 2018.


LARRY R. HICKS

UNITED STATES DISTRICT JUDGE